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ABSTRACT

This brief booklet is intended to help New Jersey school districts as they develop or revise consistent systems of school rules governing student behavior. The booklet lists the most basic provisions of a student conduct code as student rights and responsibilities, rules of acceptable and unacceptable behavior, and regulations or procedural due process. It recommends assurances of fairness and protection. The author describes how codes ought to be prepared and recommends seeking both wide input and extensive distribution and explanation of the code. The suggested minimum standards aim to help maintain the delicate balance between student rights and the maintenance of order. Grievances and appeals procedures are discussed and financial liability and the role of school boards are briefly mentioned. (Author/JM)

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HANDBOOK FOR DEVELOPING

A CODE OF CONDUCT

FOR STUDENTS

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3

TABLE OF CONTENTS

Statement - Dr. Fred G. Burke, Commissioner of Education iii

New Jersey State Board of Education Resolution 1

Introduction 2

Some Considerations in Developing Codes 3
- What to Include 3
- Codes Must Provide Certain Assurances 3
- Code Preparation and Distribution 4
- Establishing Minimum Standards for Rules 5
- Grievance and Appeals 6

The Role of School Boards 7

Financial Liability 8

Providing Equal Educational Opportunity 8

A Final Word 8

Bibliography 9

STATEMENT

Dr. Fred G. Burke
Commissioner of Education

Disruption in the schools is a serious concern of New Jersey educators, students and the public. According to the Gallup Poll, the public perceives discipline as one of the most important problems facing public schools. The effect of individual incidents go well beyond the individual acts; they affect the learning climate of the school, the morale of students and staff and the public's confidence in our schools.

In 1978, I appointed a task force to study violence, vandalism and disruption in our schools and to make specific recommendations to address the problem. In its report delivered to the State Board of Education, the task force stated, "The first step in having an orderly school (safe school) is to make sure that minimal rules of conduct are well understood."

Further experience of those who have successfully dealt with the problems of violence, vandalism and disruption has indicated that a simple written code of conduct developed with input from staff, students and parents, combined with a clear understanding of the rights and responsibilities of students, is an effective tool in school improvement.

In September, 1980, the State Board of Education adopted a resolution encouraging district boards of education to develop a policy, by September of 1983, of parent, staff and student rights and responsibilities and a code of conduct. Studies of effective schools clearly show that when policies are developed with input from those who are directly affected by them, there is more support for these policies. Therefore, the resolution urges broad participation of staff, parents and students.

Many school districts already have clear policies related to student conduct and rights or responsibilities and they are to be commended for their efforts. However, others do not have such policies or they are outdated. This document has been assembled to assist local districts as they prepare to develop or revise a consistent system of school rules which governs the behavior of students and clearly states the staff and parental responsibilities in enforcing these rules. Toward that end, this publication is intended to assist in leading toward the harmonious cooperation between school and community that everyone wishes to achieve.

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
Adopted September 3, 1980

RESOLUTION

WHEREAS, the board recognizes the importance of an orderly school environment to promote learning and ensure the safety of students and staff, and

WHEREAS, an initial step toward more orderly schools is to make sure that the rules which govern the behavior of students and the staff and parental responsibilities in enforcing these rules are understood, and

WHEREAS, the State Board of Education acknowledges that many districts do have policies regarding student conduct, and commends these districts, now therefore be it

RESOLVED, that the State Board of Education encourages each district board of education without a written policy to develop one including a code of conduct. The policy would concern the rights and responsibilities of pupils with respect to all school related activities, including school sponsored functions or functions at other schools involving approved activities. The State Board urges the development of such policies, by September 1983, with the participation of school staff, pupils and parents or guardians, and be it

RESOLVED, that every district board of education be encouraged to distribute the written policy including the code of conduct in appropriate form at no cost to pupils, staff and parents or guardians at least once every three years and to all new staff, pupils and parents or guardians entering the district, and be it

FURTHER RESOLVED, that the Commissioner of Education shall report to the Board annually on the number of districts which have implemented the provisions of this resolution.

R. Paul Ricci
President, State Board of Education

Fred G. Burke
Secretary, State Board of Education

INTRODUCTION

In speaking to a broader educational viewpoint of violence and vandalism in the schools, the National Education Association (NEA) has recommended that schools consider short-range measures for maintaining order in the schools while permanent, long-range solutions are being researched and established. The NEA 1972 task force reflects the viewpoint of many teachers and administrators that discipline cannot be approached in isolation from the school's primary mission to provide the best possible education for all children and youth.

The **short-range solutions** provided by the NEA task force report are:

- **Student and teacher agreement on immediate alternatives**
- **Counseling on a one-to-one basis by everyone from teachers and administrators through parents and other volunteers, to psychologists and psychiatrists for both disruptive students and distraught teachers**
- **Alternative learning experiences for students "who are bored, turned off or otherwise unreceptive" to traditional educational experiences**
- **In-service programs to help teachers and other school staff learn a variety of techniques for building better interpersonal relations between themselves and students**
- **Class discussion of the causes and consequences of good and bad behavior**

The **long-term solutions** recommended by the NEA task force are:

- **Full involvement of students in the decision-making process**
- **Curriculum revision and expansion by students and staff**
- **Work-study programs**
- **Special programs for dropouts and prospective dropouts**
- **Alternative schools within the public school system**
- **Smaller class size**
- **Full implementation of a code of students' rights.**

SOME CONSIDERATIONS IN DEVELOPING CODES

What to Include

There is no single answer on what features to include in a school's code of student conduct. A review of existing codes and the professional literature suggests that codes should contain at least three main sections: 1) Student rights and responsibilities; 2) Rules of acceptable and unacceptable behavior; and 3) Regulations or procedural due process, including a mechanism for handling grievances and appeals.

Codes Must Provide Certain Assurances

No single code of student conduct can be expected to meet the particular needs and expectations of each school community. While respecting this need for diversity, all codes should assure that:

- Equal opportunity and equal treatment are provided every student without discrimination
- Fairness and reasonableness required by due process are fundamental guarantees to all students.
- All students are assured consistency of treatment
- No disciplinary action should exceed in degree the seriousness of the offense
- Standards of conduct should forbid injury to persons or property
- The teaching and learning process takes place in an orderly educational environment, with open communication, self-discipline and clearly understood lines of authority and control
- Once rules and procedures included in codes have been adopted as school policy, they will be followed.

Code Preparation and Distribution

There are basic considerations which characterize the preparation and distribution of effective school codes. These considerations include the following:

1. Districts should seek broad local input from students, teachers, administrators, parents, community members, attorneys and units of local government--particularly other agencies serving youth. School administrators should enthusiastically support the involvement of students in developing the code as a legitimate educational experience. Involving students in the rule-making and decision-making process is likely to be more effective than even the most eloquently stated code unilaterally imposed on students by school officials.

2. Districts should have the benefit of legal research and counsel to assure that their codes are in keeping with the state and local laws and ordinances and with current court decisions.

3. Districts should provide for the regular review of their codes to assure that the codes continue to reflect local conditions, community attitudes, changes in the law and new court rulings.

4. Districts should give careful consideration to brevity, clarity and readability.

5. Districts should periodically review all existing school policies including those relating indirectly to pupil conduct and discipline to assure consistent application and to avoid obvious conflicts.

6. Districts may wish to consider more than one code of pupil conduct and discipline. For example, certain concerns for older students may not be relevant to younger students, or certain students (i.e., classified or handicapped) may require additions deletions or modifications of a main code.

7. Since titles and assignments differ among districts, the specific responsibilities for implementing various portions of the local code must be spelled out clearly.

8. Districts must consider those procedures which will assure that all concerned parties including students, staff, each parent or guardian, etc., receive copies of the school code.

9. Districts should plan a systematic method by which students, parents, teachers, etc., may fully understand the reasons for the school code of conduct and how the rules contribute to the maintenance of an orderly learning environment.

10. Districts should establish procedures ensuring that transfer students and their parents or guardians receive copies of the school code. In addition, this code should be explained to the new student by an appropriate person.

11. Copies of the code might be distributed to the local news media

Establishing Minimum Standards for Rules

In developing codes, school authorities must provide a realistic basis for maintaining order on the one hand and not violating students' rights on the other. The application of the following minimum standards may assist school authorities to maintain this often delicate balance in drawing up and implementing rules.

1. The rule(s) should be publicized and explained to students. School authorities must recognize that this standard offers a significant opportunity to provide students with positive learning experiences about their rights and responsibilities and to take reasonable steps to assure that students understand them.

2. The rule(s) should have a legitimate and rational relationship to the school's stated educational purpose. For example, the rule may affect an individual student's learning situation or protect the rights of others in the educational setting.

3. The meaning of the rule(s) should be reasonabley clear. Although a rule of student conduct need not meet the struct requirements of a criminal statute, it must not be so vague as to be almost completely subject to the interpretation of the school authority invoking it.

4. The rule(s) should be specific enough or sufficiently narrow in scope so that it does not conflict with constitutionally protected activities.

Grievances and Appeals

School districts are encouraged to provide mechanisms in their codes for the expression and the resolution of grievances which cannot be resolved through informal discussion. The suggestions which follow may assist various schools and school districts in establishing grievance procedures.

The most common **grievance procedure** in use provides for review of grievances at various administrative levels, within prescribed time limits. One model functions as follows:

- The student involved submits a grievance in writing to the principal, unless the grievance directly involves the principal or one of the school's policies, in which case the student might wish to file the grievance with the superintendent.
- When a grievance is filed with the principal, he/she would call a meeting of personnel appropriate to the grievance in accordance with pre-established rules.
- The principal is expected to resolve the matter within a stated time period following the meeting and to communicate this decision in writing to all parties to the grievance.
- Failure on the part of the principal either to call a meeting or to render a decision within the designated time constitutes the basis for an automatic appeal to other specified administrative levels (superintendent, school board) at which similar pre-established time and administrative patterns are followed.
- Such grievance procedures usually employ a principal-superintendent-local school board appeal route.

A **grievance committee** could be formed, consisting of:

- two parents or guardians selected by the PTA or other parent representative groups in the school;
- two students elected by the student body;

- two faculty members elected by the faculty; and

- two representatives appointed by the principal. (These representatives need not be administrators.)

Any student with a grievance could communicate his/her concern in writing to any member of the grievance committee, which in turn, would bring the grievance before the committee for consideration. The committee would have the responsibility of carefully investigating the alleged grievance and reporting its findings and recommendations to the school principal. The principal would be responsible for taking action in regard to the committee's recommendation and/or referring the matter to the superintendent for action.

THE ROLE OF SCHOOL BOARDS

The individual school board's role of support and responsibility for adequate disciplinary procedures is the key to effective programs. The board must actively seek to keep itself informed as to the expressed concerns of parents, students, teachers and administrators in determining the scope and nature of the school's code of conduct. In this respect, the 1973 Convention of the American Association of School Administrators stressed that school boards must assist all school personnel with the development and maintenance of adequate programs of school discipline. The convention advised that school boards:

- thoroughly and systematically review and assess existing policies and administrative regulations (legal counsel is a must);

- support allocation of resources for building-level programs to assist teachers and principals with behavior problems;

- support human relations programs for all school staff;

- weigh carefully alternative forms of education, particularly for students at the secondary level; and

- establish good relations and working programs with law enforcement groups with the aim of influencing positive student attitudes toward law.

FINANCIAL LIABILITY

In a legal memorandum to school boards and school administrators, the National Association of Secondary School Principals provided some suggestions for avoiding financial liability under the Civil Rights Act of the U. S. Code:

- Make and enforce any rule which appears to abridge civil rights only after careful consideration. If at all possible, get the advice of counsel.

- If a rule or its enforcement appears to abridge a pupil's civil rights, be certain that it is necessary, reasonably related to the school's purposes, and administered without discrimination.

PROVIDING EQUAL EDUCATIONAL OPPORTUNITY

All school personnel are reminded of their legal obligation to prevent discriminatory practices in education.

In the development of local codes, teachers, administrators, students, parents, community and school board members need to be reasonably familiar with the key state and federal statutes dealing with nondiscrimination.

A FINAL WORD

Edward T. Ladd and John C. Walden, writing in *Students Rights and Discipline,* a publication of the National Association of Elementary School Principals, suggest meaning for the development of codes of conduct in New Jersey Schools when they state:

> "A governance program begins and ends with human beings. Its success depends on how the people who administer the the program - students, teachers and principal - perceive each other. If there is mutual trust and respect among all people in the school, the governance program has every chance of achieving its objectives. If trust and respect are absent, student governance will be a constant uphill struggle."

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